

## REMARKS

In accordance with the foregoing, the specification and claims 1, 3, 10, 14, 15, 17-20, 22, 23, 25, 28-30, and 36 have been amended, claims 16, 26, and 27 have been canceled without prejudice or disclaimer, and new claims 37 and 38 have been added. No additional claim fee is required. Claims 1, 3, 5-7, 10, 11, 14, 15, 17-25, and 28-38 are pending, with claims 1, 14, 23, 25, 32, and 35 being independent. The restriction requirement set forth in the Office Action of July 23, 2009, was withdrawn in the Office Action of February 17, 2010, so that all of the remaining previously pending claims, i.e., claims 1, 3, 5-7, 10, 11, and 14, 15, 17-25, and 28-36, are now under consideration. New claims 37 and 38 are directed to the same invention as claims 1, 3, 5-7, 10, 11, and 14, 15, 17-25, and 28-36. No new matter is presented in this Amendment.

### Claim Rejections Under 35 USC 103

#### Rejection 1

Claims 1, 3, and 5-7 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa et al. (Kanazawa) (U.S. Patent No. 6,580,870) in view of Jones et al. (Jones) and Lamkin et al. '021 (Lamkin '021) (U.S. Patent No. 7,448,021). This rejection is respectfully traversed.

#### Claim 1

It is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the following features now recited in independent claim 1:

the control information comprises an application program interface (API) that generates a report signal used to identify a buffering state of the markup document; and

the report signal is used by the apparatus to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, and whether the markup document is being read.

The Office considers these features to be taught by paragraphs [0066] and [0068] of Jones, which state as follows:

[0066] FIG. 10 shows a process for in-app [*sic*; should be out-of-app] preloader execution, in accordance with aspects of the invention. The preloader may preload resources based on a static resource list that may be updated with resource lists associated with hints as described earlier. When the preloader determines that the application has launched, the preloader may suspend itself from executing. In doing so, the preloader may discard the resource (or chunk of a resource) which it was currently trying to load, finish loading the resource or chunk of data before suspension, or indicate how much of the resource or chunk it was able to preload before suspending. When the preloader resumes preloading resources, it may start with where it left off.

[0068] When the preloader resumes preloading resources, it may determine that one or more resources that it was going to preload were loaded by the application or an in-app preloader (block 1060). The preloader may make this determination by checking a cache, memory, a file system I/O API, or some other location, to see if the file is already located local to the client. If so, the preloader may simply proceed to the next resource to load in the resource list (block 1050). The preloader may determine the next resource, too, was already preloaded by the application or an in-app preloader. As part of its procedure, the preloader may simply check to determine whether a resource in a resource list already exists locally. The term "locally" refers to the resource stored in a point that is more or less instantly accessible and of high bandwidth. For example, the resource may be stored in memory, hard drive, LAN server cache, proxy, and the like. The term locally is not restricted to residing only on the user's machine [*sic*]

However, the Office has not explained which elements in these paragraphs it considers to correspond to the "application program interface (API)," the "report signal," and the "apparatus" recited in claim 1, such that the Office has not established a *prima facie* case of obviousness with respect to claim 1.

However, assuming *arguendo* that the Office considers the file system I/O API referred to in paragraph [0068] to correspond to the "application program interface (API)" recited in claim 1, considers the file system I/O API to generate a "report signal" as recited in claim 1, and considers the preloader to correspond to the "apparatus" recited in claim 1, it appears that the preloader uses the "report signal" to verify only "whether the markup document has been successfully preloaded into the buffer" as recited in claim 1. It is submitted that paragraphs [0066] and [0068] do not disclose or suggest that the preloader uses the "report signal" to verify

"whether the markup document cannot be read due to an error, and whether the markup document is being read" as now recited in claim 1.

Paragraph [0066] of Jones states that "[w]hen the preloader determines that the application has launched, the preloader may suspend itself from executing" and that "[i]n doing so, the preloader may discard the resource (or chunk of a resource) which it was currently trying to load, finish loading the resource or chunk of data before suspension, or indicate how much of the resource or chunk it was able to preload before suspending." The Office apparently considers the preloader "discard[ing] the resource (or chunk of a resource) which it was currently trying to load" to correspond to the preloader "verify[ing] whether the markup document cannot be read due to an error" as recited in claim 1. Also, the Office apparently considers the preloader "indicat[ing] how much of the resource or chunk it was able to preload before suspending" to correspond to the preloader "verify[ing] whether the markup document is being read" as recited in claim 1. However, it is submitted that paragraphs [0066] and [0068] do not disclose or suggest that the preloader performs the "discard[ing]" and the "indicat[ing]" using a "report signal" generated by the file system I/O API, particularly since paragraph [0068] states that the preloader checks the file system I/O API after the preloader resumes preloading resources, which is after the preloader has already performed the "discard[ing]" and the "indicat[ing]."

Furthermore, it is submitted that the preloader "discard[ing] the resource (or chunk of a resource) which it was currently trying to load" does not correspond to the preloader "verify[ing] whether the markup document cannot be read due to an error" as recited in claim 1 as apparently alleged by the Office because the reason the preloader discards the resource (or chunk of a resource) which it was currently trying to load is because the preloader intentionally suspends itself from executing, rather than because the resource (or chunk of a resource) "cannot be read due to an error" as recited in claim 1.

Accordingly, for at least the foregoing reasons, it is submitted that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the following features of claim 1:

the control information comprises an application program interface (API) that generates a report signal used to identify a buffering state of the markup document; and

the report signal is used by the apparatus to verify whether the markup document has been successfully preloaded into the

buffer, whether the markup document cannot be read due to an error, and whether the markup document is being read.

#### Conclusion—Rejection 1

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 3, and 5-7 (i.e., claim 1 discussed above and claims 3 and 5-7 depending directly or indirectly from claim 1) under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Lamkin '021 be withdrawn.

#### Rejection 2

Claims 10 and 11 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Lamkin '021, and Collart (U.S. Patent Application Publication No. 2002/0088011). This rejection is respectfully traversed.

Although the Office has referred to U.S. Patent Application Publication No. 2002/0088011 as "Collart," it is noted that Collart is the second-listed inventor. The first-listed inventor is Lamkin, and since the standard practice is to refer to a reference by the last name of the first-listed inventor, it is submitted that the Office should have referred to U.S. Patent Application Publication No. 2002/0088011 as "Lamkin '011" (to distinguish it from Lamkin '021), rather than "Collart." However, since the Office has referred to this reference as "Collart," the applicants will also refer to this reference as "Collart."

Although the propriety of this rejection is not conceded, it is submitted that claims 10 and 11 depending from claim 1 are patentable over Kanazawa, Jones, Lamkin '021, and Collart for at least the same reasons discussed above that claim 1 is patentable over Kanazawa, Jones, and Lamkin '021.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 10 and 11 under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Lamkin '021, and Collart be withdrawn.

### Rejection 3

Claims 14-21 and 25-36 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones. The rejection of claims 16, 26, and 27 is moot because claims 16, 26, and 27 have been canceled in this Amendment. The rejection of claims 14, 15, 17-21, 25, and 28-36 is respectfully traversed.

### Claims 14 and 25

It is submitted that Kanazawa and Jones do not disclose or suggest the following features now recited in independent claim 14:

the apparatus generates the report signal using an application program interface (API); and

the report signal is used by the buffer manager to verify whether the markup document has been successfully preloaded into the buffer, whether the markup document cannot be read due to an error, and whether the markup document is being read,

or the following features now recited in independent claim 25:

generating a report signal used to identify a buffering state of the markup document using an application program interface (API);

using the report signal to verify whether the markup document has been successfully preloaded, whether the markup document cannot be read due to an error, and whether the markup document is being read,

for at least the same reasons discussed above that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the similar features of claim 1.

### Claim 32

It is submitted that Kanazawa and Jones do not disclose or suggest the following features of independent claim 32:

staging the markup document for decoding in response to a retrieve signal; and

deleting the markup document in response to a discard signal.

The Office considers paragraphs [0066]-[0068] of Jones to disclose "staging the markup document for decoding in response to a retrieve signal" as recited in claim 32. However, the Office did not explain why it considers paragraphs [0066]-[0068] of Jones to disclose this feature, and it is not seen where anything whatsoever in paragraphs [0066]-[0068] of Jones can reasonably be considered to disclose or suggest this feature.

The Office considers paragraphs [0049] and [0066] to disclose "deleting the markup document in response to a discard signal." Although paragraph [0049] of Jones discloses discarding a pointer to a resource object when all the resources associated with the resource object have been preloaded, it is submitted that paragraph [0049] does not disclose or suggest doing this "in response to a discard signal" as recited in claim 32, or deleting the resource object itself as would be necessary for paragraph [0049] to arguably disclose or suggest "deleting the markup document" as recited in claim 32.

Also, although paragraph [0066] of Jones discloses that the preloader may discard the resource (or chunk of a resource) which it was currently trying to load when the preloader suspends itself from executing, it is submitted that paragraph [0066] does not disclose or suggest that the preloaded does this "in response to a discard signal" as recited in claim 32.

#### Claim 35

It is submitted that Kanazawa and Jones do not disclose or suggest the following features of independent claim 35 for at least the same reasons discussed above that Kanazawa and Jones do not disclose or suggest the similar features of claim 32:

generating a retrieve signal to stage the markup document for decoding; and

generating a discard signal to delete the markup document,

Conclusion—Rejection 3

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 14, 15, 17-21, 25, and 28-36 (i.e., claims 14, 25, 32, and 35 discussed above and claims 15, 17-21, 28-31, 33, 34, and 36 depending directly or indirectly from claims 14, 25, 32, and 35) under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones be withdrawn.

Rejection 4

Claims 22 and 23 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Collart. This rejection is respectfully traversed.

Claim 22

Although the propriety of this rejection is not conceded, it is submitted that claim 22 depending from claim 14 is patentable over Kanazawa, Jones, and Collart for at least the same reasons discussed above that claim 14 is patentable over Kanazawa and Jones.

Claim 23

It is submitted that Kanazawa, Jones, and Collart do not disclose or suggest the following features now recited in independent claim 23 for at least the same reasons discussed above that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the similar features of claim 1:

the ENAV engine generates the report signal using an application program interface (API); and

the report signal is used by the ENAV engine to verify whether the markup document has been successfully preloaded into the ENAV buffer, whether the markup document cannot be read due to an error, and whether the markup document is being read.

Conclusion—Rejection 4

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 22 and 23 under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Collart be withdrawn.

Rejection 5

Claim 24 has been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Collart, and Silberschatz (Applied Operating System Concepts, First Edition, John Wiley & Sons, New York, 2000, pp. 65-66 and 412-431). This rejection is respectfully traversed.

Although the propriety of the rejection is not conceded, it is submitted that claim 24 depending from claim 23 is patentable over Kanazawa, Jones, Collart, and Silberschatz for at least the same reasons discussed above that claim 23 is patentable over Kanazawa, Jones, and Collart.

For at least the foregoing reasons, it is respectfully requested that the rejection of claim 24 under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones, Collart, and Silberschatz be withdrawn.

Patentability of New Claims 37 and 38

It is submitted that Kanazawa, Jones, Lamkin '021, Collart, and Silberschatz do not disclose or suggest the following features of new dependent claim 37:

generating the report signal using an application program interface (API);

using the report signal to verify whether the markup document has been successfully preloaded, whether the markup document cannot be read due to an error, and whether the markup document is being read,

or the following features recited in new dependent claim 38:

generating the report signal using an application program interface (API);



using the report signal to verify whether the markup document has been successfully preloaded, whether the markup document cannot be read due to an error, and whether the markup document is being read,

for at least the same reasons discussed above that Kanazawa, Jones, and Lamkin '021 do not disclose or suggest the similar features of claim 1.

For at least the foregoing reasons, it is submitted that new claims 37 and 38 are patentable, and an indication to that effect is respectfully requested.

### Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Office is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,

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